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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the Zeraf river and those which live to north and south of the Sobat river.

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying hamlets, homesteads, and huts.

We discuss the institution of the feud and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their

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state might be described as an ordered anarchy. Likewise they lack law, if we understand by this term judgements delivered by an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

After an examination of the political structure we describe the lineage system and discuss the relation between the two. Nuer lineages are agnatic, i.e. they consist of persons who trace their descent exclusively through males to a common ancestor. The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

After discussing the lineage system in its relation to territorial segmentation we describe briefly the age-set system. The adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

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628 624 783 We give a concise account of the procedure for settling a blood-feud, without describing the detail of ritual. As soon as a man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

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cide. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (*bim*) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, [783] sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 578 [784] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have never observed the procedure, one way of settling disputes is to use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

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not as a judgement delivered with authority. Moreover, whilst the sacredness of the chief and the influence of the elders carry weight, the verdict is only accepted because both parties agree to it. No discussion can be held unless both parties want the dispute settled and are prepared to compromise and submit to arbitration, the chief's role being that of mediator between persons who wish other people to get them out of a difficulty which may lead to violence. The man against whom the decision is pronounced may give way to honour the elders and the chief where he would not give way directly and without their intervention, for he does not lose prestige by accepting their verdict. If there is any doubt about the facts, certain oaths, which are in the nature of ordeals, may be employed, such as swearing statements on the chief's leopard skin.

For a dispute to be settled in this way not only is it necessary that both parties should want the matter amicably settled, but it is also necessary that they should themselves reach agreement during the discussion. No one can compel either party to accept a decision, and, indeed, a decision cannot be reached unless there is unanimity, since the elders are of both parties to the dispute. They go on talking, therefore, till every one has had his say and a consensus has been reached.

The five important elements in a settlement of this kind by direct negotiation through a chief seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case.

I repeat that I have not seen this method employed and add that I am of the opinion that it is very rarely used and only when the parties are fairly close neighbours and belong to communities closely linked by many social ties. In theory any member of a tribe can obtain redress from any other, but we know of no evidence that leads us to suppose that it was often obtained. Before summing up what we judge to be the nature and scope of legal relations in Nuerland we record a few brief examples of typical acts likely to lead to violence if some reparation is not made.

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577 627 damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

624 Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, *kuaar muon*, has a sacred association with the earth (*mun*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

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[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual.

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another.

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many

1: Evans-Pritchard E-5 (1931, 1936) 1940
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624 613 parts of Nuerland, including most of the area with which I am acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 628 In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud.

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

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We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

1: Evans-Pritchard E-5 (1931, 1936) 1940
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A leopard-skin chief

[Face p. 222]

582 For completeness it must be mentioned that a leopard-skin
624 chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar marriage
583 into the clan in which, on the day of the wedding, tribute was

8:Howell E, G-5 (1942-1944)1954
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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains.

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement.

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kwac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make

8:Howell E, G-5 (1942-1944)1954
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692 628 624 the attempt to intervene. Similarly legal disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

692 624 It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 154–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gaawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

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on the part of the Administration to find an indigenous foundation on which to graft a system of indirect rule in which authority must be vested in political and legal agents, it may be that their estimate of the powers of the Leopard-Skin Chief is exaggerated. The Leopard-Skin Chief in the early days of administration often acquired political authority because he was chosen to represent the Government. There appears to me to be little or no evidence that Leopard-Skin Chiefs had political authority in the past except in so far as they were the centre of prevailing political cohesion. If a man chose to ignore a ruling given by the chief, he could do so with impunity; but if public opinion was behind the chief's decision, he might lose the privileges which membership of his group gave him. He could always move elsewhere. It is the sanctions which normally operate for the settlement of disputes which are embodied and find expression in the person of the chief, and not a legal sanction derived from his status. Some personalities attempted to further political cohesion within the group, and this was expected of them, but their success depended on the degree of cohesion already existing or the force of sanctions normally making for cohesion. Hence the Leopard-Skin Chief's status and effectiveness are both the expression and the inspiration of collective aims.

Professor Evans-Pritchard writes:

> In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise . . . he has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities. Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.[1]

In the *Zeraf* tribes the Leopard-Skin Chief usually had powerful kinsmen, and in the majority of tribal segments Leopard-Skin families were represented in the dominant lineage. In Gaawar, the family of Kerfell, for example, in Lak in the lineage of Winyang, and in Thiang in the lineage of Tei Thiep, who have always provided leadership in those areas, are Leopard-Skin Chiefs. Moreover, certain personalities often had the backing of a populous community in the sense that political cohesion was sufficient to ensure composition of quarrels and disputes within it. This leads us to the subject of leadership in Nuer society in more general terms.

There is no verb in the Nuer language meaning 'to order', and the

[1] Evans-Pritchard, op. cit., pp. 174–5.

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There is no verb in the Nuer language meaning 'order', and the
181 imperative is not used with any sense of authority behind it. To get another man to perform some task on his behalf the Nuer must first draw attention to some special relationship between them, whether it be real or fictitious. It is an appeal to the mutual obligations inherent in kinship and is expressed in kinship terms. *'Gat mar'*, 'O kinsman', is the preface to any request which might otherwise take the form of an order. By this I do not mean that the imperative is never used, but it is used only to persons with whom the speaker has an actual and constant relationship, and usually only when the speaker is a senior kinsman. When telling a foreman wood-cutter, for example, to order his men to cut down certain trees, the District Commissioner, allowed greater licence than others, will use the imperative, but the foreman will pass the order on in more euphemistic terms and include himself in the effort to be made. This is merely an example of the exceptional independence of character of the Nuer and their refusal to admit superiority or domination.

173 There is, however, a word which implies not so much 'authority',
●624 even in a general sense, as 'leadership', or more precisely 'spokesmanship'. The expression *ruic Naadh*, 'leaders of the people', is frequently used when referring to outstanding personalities of the past. The meaning can only be understood by reference to Nuer history. In the early stages, particularly during the period of invasion and expansion when the Nuer were more closely co-ordinated in tribal groups[1] and united by a common purpose, some form of leadership was not only necessary but more easily achieved. Nuer talk of Buogh Kerfeil, the leader of the Gaawar during their migration across the Bahr el Jebel on to the Zeraf Island and again in their raids to the east into Dinka territory, as *ruic* Ganwaar; Wur Winyang and his father Winyang Kwac were both *ruic* of the Lak Nuer at one time, while in Lou we hear of Bedit Kweinyang, who is associated in Nuer tradition with Latjor of the Jikany and led the people against the Anuak to the east. In Lou, after Bedit's death, Bec Colieth led the majority of the tribe back towards the west into their present habitat, partly because of repeated raids by the Anuak who had the advantage of firearms which they traded from the Abyssinians, and partly because of the ravages of fly on their cattle. The third *ruic* was Nyakong, a Leopard-Skin Chief of Jimem extraction, who at first led the Lou Nuer against the Arab slavers but subsequently, like Nuer Teng in Gaawar, turned traitor.[2] Their position was subsequently acquired by the 'prophet' Ngundeng and his son Gwek.

[1] It has already been noted that the Nuer were probably then less numerous and tribal groups much smaller than today.

[2] Bedit Kweinyang was a *kuaar thoi* or water expert. Bec Colieth was a *mut ghok* or cattle expert. Nyakong was a Leopard-Skin Chief—as indeed was Ngundeang, his successor. I am indebted to Mr. B. A. Lewis for this information. See also B. A. Lewis, 'Nuer Spokesmen', *S.N.R.*, 1951.

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We have seen that the period of invasion from the west, when the Nuer had a high degree of political cohesion, was followed by a period of expansion and absorption of Dinka. In the absence of external opposition a process of segmentation and political fission followed. In Gaawar we find that the descendants of Kerfeil began to lose their influence, particularly during the early period of Arab penetration, and it is at this period too that the division of Gaawar into the Bar and Radh primary segments became particularly marked. The majority of the Radh threw in their lot with Arab slavers and preyed upon their neighbours, and although the line of political cleavage did not follow strictly the distinction between the primary segments of the tribe, the Bar section to the south, joined by certain Radh secondary segments living in that direction and especially those resident on the Zeraf Island, were in permanent opposition to the remainder of the Radh. At this period Nuar Mer, an adopted son (of Dinka origin) of the Kerfeil lineage, is sometimes referred to as *ruic* of the Radh, while in Bar, although there was never sufficient cohesion to allow complete ascendancy, we hear of such leaders as Liaab Liou. Finally, in the event of extreme danger the Bar began to turn to Deng Likea, who certainly had no hereditary claim to leadership but had magical powers and the gift of prophecy much admired by the people. When the Dervishes withdrew he rallied the forces of Bar around him, inflicted a crushing defeat on the treacherous Nuer sections who had assisted them, and killed Nuar Mer. Deng Likea is also referred to as *ruic* Ganwaar. This process can be traced in most Nuer tribes.

For a while the concept of *ruic Naadh* remained vested in the Nuer 'prophets' in opposition to foreign aggression in the form of the present Government, but this has vanished since their defeat and removal, and nowadays if a Nuer is asked who is *ruic Nâadh*, he will reply that it is the Government or more likely the District Commissioner.

The term *ruic*, like the word *cieng*, is relative to the social structure. There were also *ruic* whose influence was effective only in segments of a tribe and their significance was greatest at a period when political cohesion on a tribal scale was at its lowest ebb. There was no idea of an institutionalized authority set at the head of a tribe or a tribal segment, though there was perhaps always a tendency for the office to run on hereditary lines within the dominant lineage. Any person might achieve such influence over his fellows by reason of certain qualities which the Nuer consider admirable: generosity in the giving of cattle and in hospitality, which itself indicates a special regard for the obligations of kinship; wisdom and even temper in settling disputes between others; ability to hold the group together, a further expression of the kinship idea; bravery and powers of leadership in war.

These characteristics are also inherent in the conception of the *gat*

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tuot or *tut wec*, the 'bull of the herd', a position which is acquired within a dominant lineage and extended in relation to other lineages. The expression *gat tuot*, as we have seen, is used in the same sense as *diel* and refers to any member of a dominant lineage, but it has a more restricted meaning and is used nowadays to indicate a 'headman' in the Government system of administrative agents. The *tut wec*, the 'bull of the herd', however, is used generally to refer to the man who is recognized within the segment, whatever its size, as the most important adult male. His position is in the first place derived from his place in the genealogy of the dominant lineage, but it is largely dependent on his personality and prestige. The word *ruic* is sometimes applied to the *tut wec*, but has clearly a much wider significance in political relations and in past history. Finally, it is worth noting that there were never any *ruic* whose influence extended over a unit of society larger than the tribe, which tends to support Professor Evans-Pritchard's contention that the tribe is the largest unit of any permanent political significance.

There is even some evidence that the *ruic Naaah* in much earlier days had greater influence, though the emphasis is placed on their ritual rather than political status. I have heard Nuer say of Buogh Kerfeil that he assumed the stool (*kum* or *kwom*),[1] a fact which suggests some special symbol of office. They also talk of a ceremony in which he was 'lifted up to God' by his fellows, suggesting a ritual investiture. Yet, although Nuer tradition refers to events which happened in the time of old men's grandfathers and, being thus much more recent than Dinka or Shilluk mythology, may have a greater degree of historical accuracy, the story scarcely provides adequate evidence that a form of institutionalized authority was then in existence or that the *ruic Naadh* approximated even remotely to the general conception of an African Chief with political and executive powers.

The essential distinction is that among the Nuer the concept of *ruic* does not imply a crystallized institution in the form of a position in society automatically filled when the present holder dies. In the past, if a hereditary successor did assume the position, this did not mean that his influence would necessarily extend over the sphere affected by the actions of his predecessor. If a *ruic* died his successor gradually established himself by the accumulation of prestige and popularity among the people and gained their acceptance. There is no evidence of a stabilized institution continuing on a permanent level throughout Nuer history. The *ruic* of a tribe only exercised authority, if influence based on powers of persuasion can be called authority, so

[1] The Nuer *kum* is an ambatch stick-shield which is also used to sit on. The idea of a stool as a throne is unknown to the Nuer, but may here be derived from the Shilluk. Among the Shilluk the *reth* or king is ceremonially enthroned on the sacred stool (*kwom*) at his installation. See P. P. Howell and W. P. G. Thompson, 'The Death of a Shilluk *Reth* and the Installation of his Successor', *S.N.R.*, 1946.

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long as there was a semblance of political unity in the tribe or segment in opposition to other tribes or foreigners. His authority was not at any time equally effective in all segments of a tribe. *Ruic Naadh* is a concept which follows the lines of political cleavage.

It seems, then, that Professor Evans-Pritchard's critics display a confusion of thought when they suggest that there was anything in the nature of a formalized political institution inherent in the status of the Leopard-Skin Chief or indeed in the concept of *ruic Naadh*, but Professor Evans-Pritchard has not made it sufficiently clear that the concept of *ruic Naadh* did exist. Writing of the Nuer political system, he says:

> The Nuer constitution is highly individualistic and libertarian. It is an acephalous state, lacking legislative, judicial, and executive organs. Nevertheless it is far from chaotic. It has a persistent and coherent form which might be called 'ordered anarchy'. The absence of centralized government and bureaucracy in the nation, in the tribe, and in tribal segments—for even in the village authority is not vested in anyone—is less remarkable than the absence of any persons who represent the unity and exclusiveness of these groups.[1]

Yet the Nuer are, and always have been, acutely conscious of the need for unity and are always seeking someone by whom and through whom social disharmony can be averted. Their traditions, which are sufficiently recent to contain at least an element of fact, are full of references to great leaders, as we have seen; and these were persons who achieved at least a semblance of co-ordination and came to symbolize common aspirations. Whereas among some African peoples these aspirations are attached to organized and permanent institutions, among the Nuer they were focussed on personalities. Their principal characteristics are to be seen in Nuer ideals: the desire and the ability to bind the people together; to mediate and to settle internal quarrels and disputes; to negotiate agreements with other tribes and peoples if they are to the advantage of the Nuer; to maintain good relations between neighbours; in fact, to check the process of fission which to the Nuer is highly undesirable. These qualities are stressed in Nuer tradition far more frequently than ability to lead the warriors into battle against the Dinka, and are more important than their sagas of great exploits and daring. The *ruic Naadh* were men who, by outstanding personality and powers of leadership, gained such prestige that they were able to persuade the unruly Nuer to listen to them. They achieved a degree of authority acceptable only so long as the sanctions making for political unity within the group which they swayed were sufficiently strong to maintain it.

The word *ruic* is itself significant. It is derived from the word *ruac* meaning speech or talk. The best translation is therefore 'spokesman'. Nuer also talk of the quality of *ruec*, which really means the

[1] Evans-Pritchard in *African Political Systems*, Oxford, 1940. p. 296.

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ability to speak for the people; in fact, to voice their will. It is in this sense that the word expresses the Nuer idea of leadership, leadership which is derived from powers of persuasion. There is no sense of domination. The concept runs right through the tradition of Nuer leaders in the past who emerged at a time when political unity was required in the face of external aggression or for the furtherance of common enterprise.

The Appointment of Tribal Authorities Today

The concept of *ruic* has been mentioned here, not so much because its existence provides evidence of anything in the nature of formalized legal procedures which operated in the past, but because it is relevant to the appointment of tribal representatives today.

In the early stages of the Administration there was a tendency to use as administrative agents persons who had acquired significance not from their positions in the dominant lineages of the tribes but from their possession of magical or religious attributes. This was at any rate partly due to the fact that at the time of the arrival of the Sudan Government, what leadership existed was vested in the 'prophets' who had usurped the position from men whose status was derived from a traditional and more orthodox background in society.

Minor administrative agents, the representatives of smaller tribal segments, were nearly always chosen from dominant (*diel*) lineages, a fact which finds expression in the use of the term *gat tuot* to denote a 'headman' of a village or a lineage. Clearly, even in the early stages, these minor agents were essentially persons put forward by the people themselves and drawn from sources which would normally provide leaders; they were not nominees chosen regardless of their status in society. A *gat nyal* from a *rul* lineage was usually disqualified from the start. For example, in the Island section of the Radh Gaawar, a man called Gatluak Ngigni was appointed chief of the Per section. I intervened in this appointment rather more emphatically than usual, for there was a shortage of suitable candidates, and Gatluak was a man who had served satisfactorily for many years as a tribal policeman and as personal assistant to the previous chief. There was noticeable opposition from some sections of the community but the majority voted for his appointment. Later he became unpopular and opposition became open. There were clearly other reasons why they wished to get rid of him, but the main reason actually given was that he was a *gat nyal* of recent Western Nuer origin. To be a *gat nyal* does not entirely disqualify a man from gaining authority over his fellows or, nowadays, from holding an official position, but it is certainly a disadvantage, and only a strong and popular character can overcome the handicap.

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In Central Nuer District, at any rate, election of Court Presidents and lesser chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the aura of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief *vis-à-vis* the Government, that aura may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform those tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the avoidance of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognized forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuaar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuaar lama*,[4]

[1] Technically such chiefs and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lama* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

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and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to prevent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

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There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

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in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired.

Compensation in Nuer is called *thung*. *Thung* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thung ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thung nyindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thung loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thung guacha* refers to unintentional or accidental killing; *thung yiika* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar muon* or 'Land Chief'. His badge of office is the Leopard-Skin (*kwac*), and for this reason he is more usually referred to as *kuaar kwac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists.

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

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otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuar thoon*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwak*.

2. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kum rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] *Thoon*, serval cat (*Felis serval*).

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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion.

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cenke luak gwan thungε*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buer*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and ji thungε

As soon as a man is killed a state of feud (*tar*) begins between the *ji ran* and *ji thungε*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nuεεr*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *nath*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thungε*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thungε* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nuεεr* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nuεεr* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *nuεεr*.

[3] 'There is blood between them'—*tɔbε rɔ̈ɔ̈n kuɔ̈ɔ̈th*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

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to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thunge* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thunge* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tat ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cail*. Apparently the initiative should come from the *ji ran* rather than the *ji thunge*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *math-de*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the least hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cail*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kuoini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gwan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok duiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kutke: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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***ruath riem* and *yang kwac*:** 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

***ghok pale loic*:** 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

***yang tul coka*:** 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

682 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 50 head of cattle, of which 10 go to the Government as a fine.

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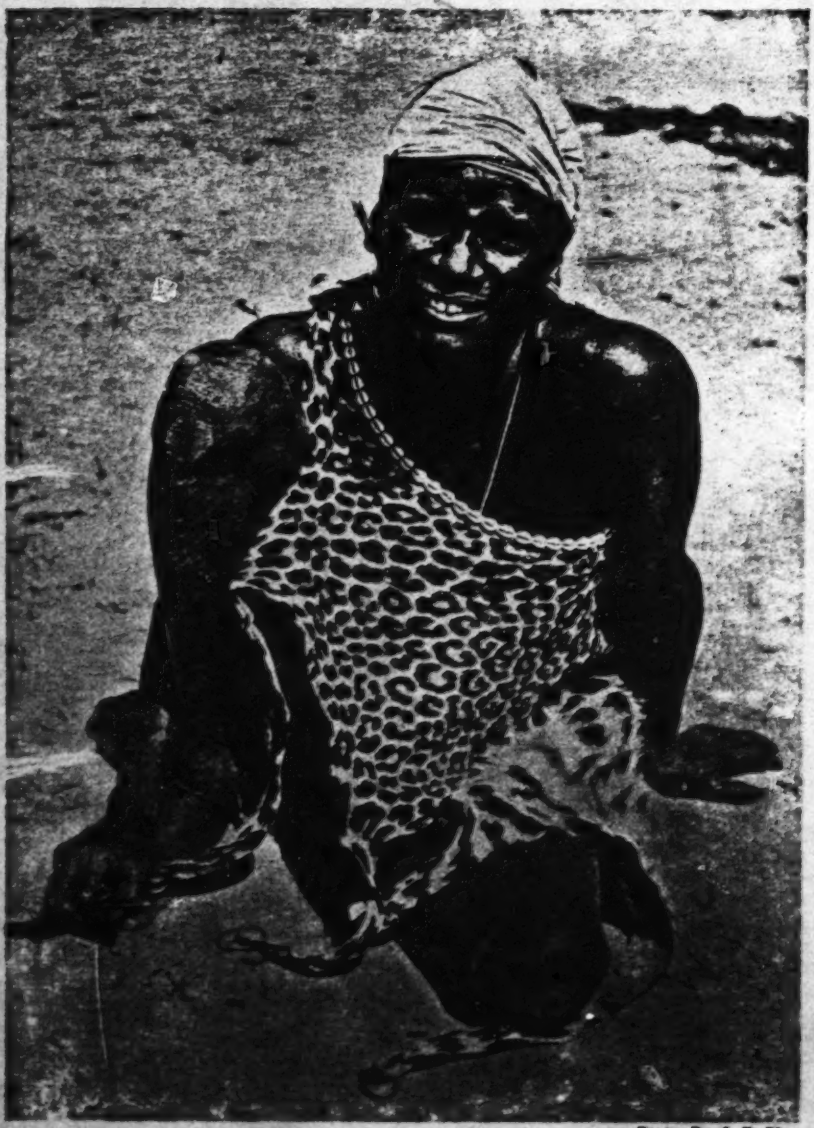

Photo: Dr. J. F. Blom

LEOPARD-SKIN CHIEF

[facing p. 64]

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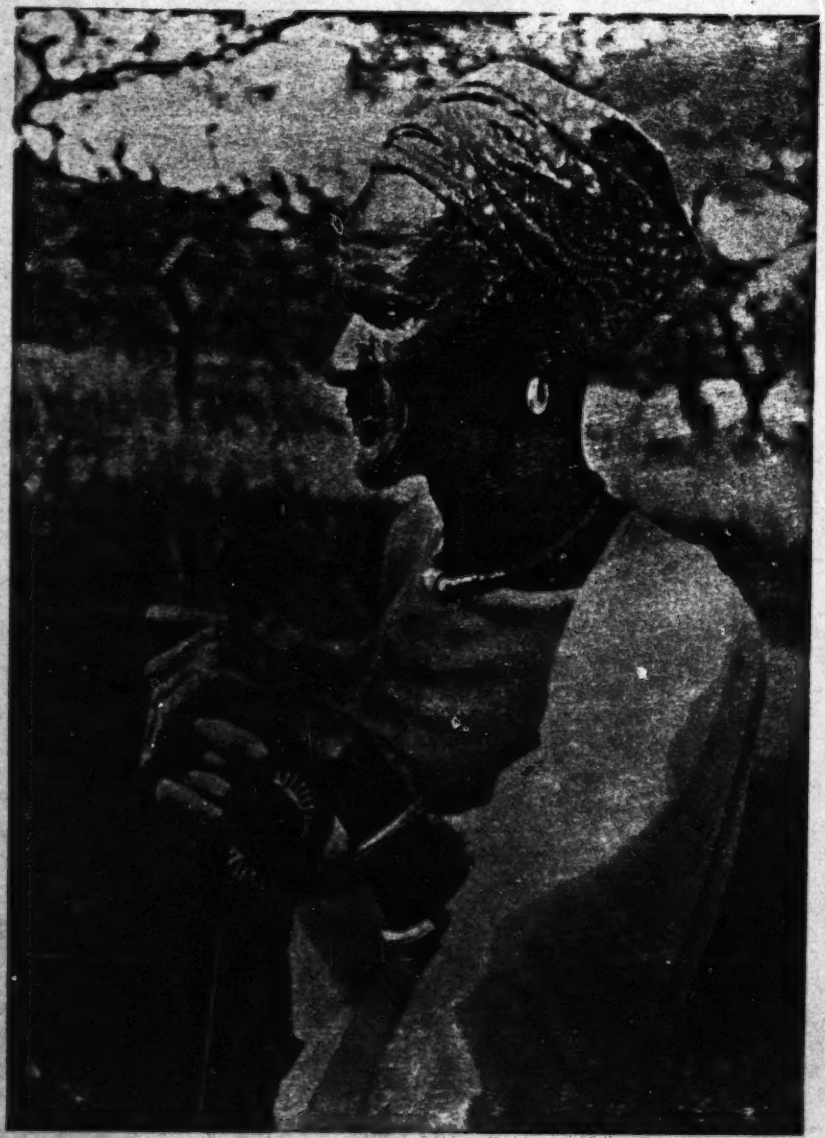

Photo: Dr. J. F. Bleus

THE CHIEF. KIC WUR WINYANG OF THE LAK NUER

[facing p. 80]

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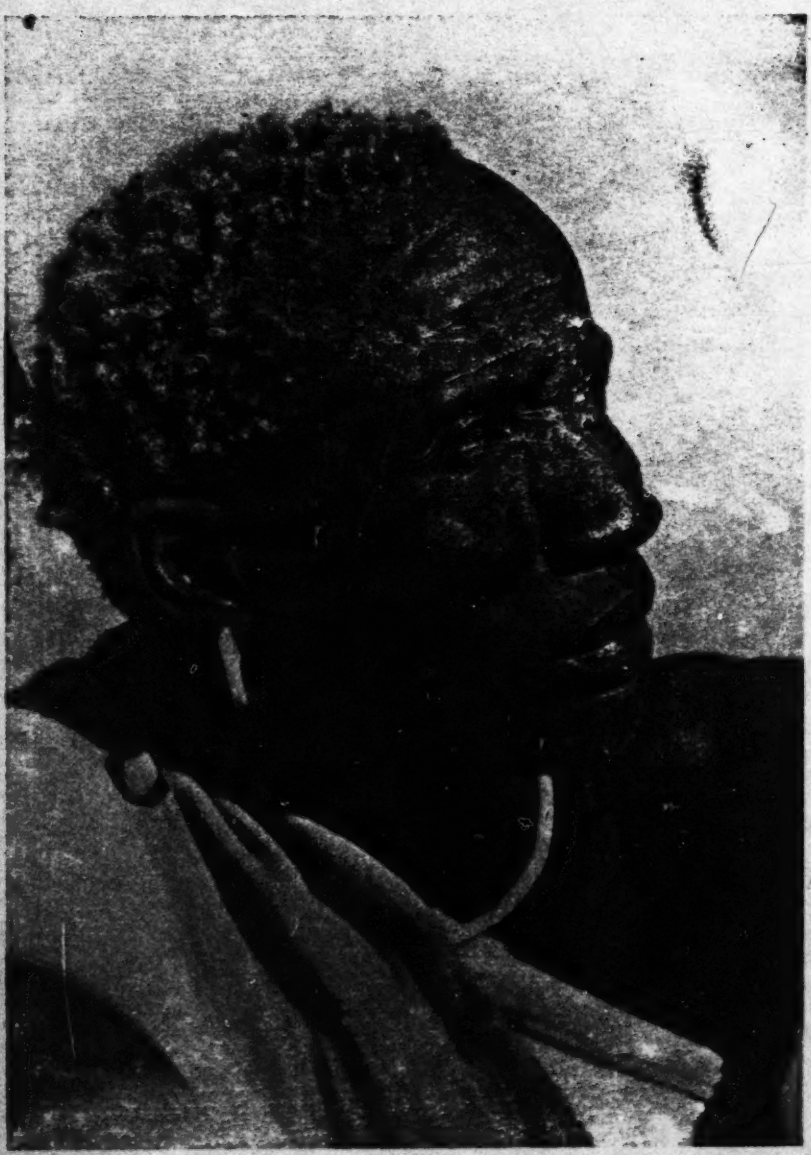

GATLUAK NGINGI (*see p. 34*)

[facing P. 176]

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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *tuan*:[1] a man will say *ce yang-da tuan* or *ce yoka tuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pac* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Tuan* also implies stealth or cunning.

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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His rôle is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruec*), and the *ruic naadh* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut ghok* or cattle expert, the *kuaar thoi*, the water expert, the *kuaar yiika*, who is mainly concerned with the fecundity of women, the *kuaar juath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuaar bith*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and has recorded most, but not all, of their duties. They are:

Kuaar kwac or *kuaar muon: The Leopard-Skin Chief or Land Chief*

The functions of this expert in connexion with homicide have been fully described in Chapter II. His is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *reth* of the Shilluk, for example, who is, apart from his political and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXII, 1952.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *jal yath*, *ajungo*, &c.

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but all members of the lineage do not practise. Professor Evans-Pritchard has listed his functions as:

(i) Anything to do with the land—especially the welfare of crops.
(ii) A limited rôle in rain-making and the regulation of the weather.
(iii) The ritual of homicide (see Chapter II).
(iv) The ritual of incest (see Chapter III, Section 3).
(v) The ritual of preventing feuds and protecting warriors on raiding expeditions.
(vi) Arbitration in all kinds of disputes.

Wut ghok: The Cattle Expert

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This is also an office the potentiality of which runs in certain families, and it is to that extent hereditary. The functions of the *wut ghok* are purely ritual and, apart from cattle, are concerned with the social processes of the age-grade system.

Other functions may be listed as follows:

(i) To increase the fertility of cattle and milk production and to ensure that cows give birth to cow-calves. To avoid cattle disease.
(ii) To perform the ritual of warfare, and in particular to ensure that many cattle are captured in raids.
(iii) To perform fecundity rites for women and to assist elderly spinsters to secure husbands.

As in the case of the *kuaar muon*, the *wut ghok* is concerned with activities which are both beneficial and widespread. I only know of two cases brought before the court where a *wut ghok* was alleged to have used his powers for personal gain or for revenge upon the cattle of an enemy. One of these cases caused something of a sensation and considerable animosity.

Kuaar thoi: The Water Expert

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A hereditary office running in certain lineages, sometimes of reputed extraneous origin (probably Shilluk or Anuak or what the Nuer call Bar). The *kuaar thoi* may be called upon to bless raiding parties and to perform ritual to ensure that they do not drink of water poisoned by the enemy. His principal function, however, is to bless the water, and to see that there is an abundance of fish and that the people are successful in catching them. He also performs ritual against crocodiles, and is indeed particularly associated with crocodiles and often called *kuaar nyang* (crocodile expert). A *kuaar thoi* is often called in to assist when cattle are fording a river. To ensure that crocodiles do not attack them, he takes a pole which he thrusts into the reeds along the bank and places on this an iron ring. He then takes a sheep, ties its legs

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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration.

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary.

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thang yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity.

Gwan tang (sometimes kuaar tang)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*.

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *tuar* (*gwan tuac—ji tuac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is best translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Tuar* is a generic term for skin; *kuaar* means 'leopard-skin, *thoan* serval cat-skin, and so on.

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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

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system and the age-set system are both consistent in themselves and to some extent overlap, but they are not interdependent.

V. Feuds and other Disputes

The political system operates largely, we think, through the institution of the feud which is regulated by a mechanism known as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans.

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

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628 moral obligation to settle the affair by the acceptance of a tradi-
624 tional payment, and the wish, on both sides, to avoid, for the time being at any rate, further hostilities.

628 A feud directly affected only close agnatic kinsmen on both sides. One did not avenge oneself on cognates or on distant agnates. Nevertheless, we believe that the feud had a wider social connotation and that therein lies its political significance. We must first recognize that feuds are more easily settled the smaller the group involved. When a man kills a near kinsman or a close neighbour, the matter is quickly closed by compensation, often on a reduced scale, being soon offered and accepted, for when a homicide occurs within a village general opinion demands an early settlement, since it is obvious to every one that were vengeance allowed corporate life would be impossible. At the other end of the scale, when a homicide occurs between primary or secondary sections of a tribe, there is little chance of an early settlement and, owing to distance, vengeance is not easily achieved, so that unsettled feuds accumulate. Such homicides are generally the result of intertribal fights in which several persons are killed. This not only increases the difficulty of settlement, but continues between the sections the mutual hostility that occasioned the fight, for, not only the close agnatic kinsmen of the dead, but entire local communities are involved. Feud, as a choice between direct vengeance and acceptance of compensation, without the necessity of immediate settlement, but requiring eventual conclusion, is especially a condition that flourishes between villages of the same district. The kinsmen of the dead man are near enough to strike at the kinsmen of the slayer and far enough from them to permit a temporary state of hostility between the local communities to which the parties belong. For whole communities are of necessity involved, though they are not subject to the rigid taboos that a homicide imposes on close agnatic kinsmen of slayer and slain, nor are they threatened with vengeance. Nevertheless, their members are, as a rule, closely related by cognatic or affinal ties to the principals and must assist them if there is an open fight. At the same time, these communities have frequent social contacts, so that eventually the mechanism of the leopard-skin chief has to be employed to prevent their complete dislocation. The feud thus takes on a political complexion and expresses the hostility between political segments.

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The balanced opposition of political segments is, we believe, largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes concerning ownership of cattle, and he and the elders on both sides may express their opinion on the merits of a case. But the chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is no one with legislative or juridical functions. There are conventional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was also repeatedly informed that there was *cut* between all Gaajok tribesmen, 621 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is 682 true that tribes are not water-tight compartments. People moved all 628 over Nuerland with remarkable freedom and there are strong social bonds [587] uniting people with members of tribes other than their own, particularly [614] the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly so. What is of greater significance is that each tribe has its own tribal 619 officials who regulate disputes among tribesmen in so far as their ritual 624 functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against other tribes and segments of other nations. Messengers summoned 721 Lou tribesmen from all over the tribal area for a combined raid on the 648 Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed.

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*.

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local " chiefs " whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to

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establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

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721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuoar muon)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125.
(3) *Ibid.*, p.176.

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Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group.

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality.

The *got tuot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1)

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles.

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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herd the cattle and hoe the gardens, but spent his time attending dances and courting girls. He wandered about the country having a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

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[Information on leopard skin chiefs or priests are filed according to their functions under category 624, 791 or 793.]